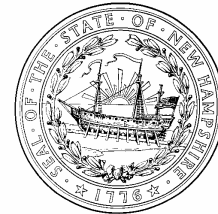




**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF ENVIRONMENTAL SERVICES  
6 HAZEN DRIVE, P.O. BOX 95  
CONCORD, NEW HAMPSHIRE 03301**



**IMPLEMENTING WATER USE RESTRICTIONS**

In the case of drought or other emergency, water use restrictions may provide public water suppliers with useful tools for the management of the public water supply. The New Hampshire Department of Environmental Services (Department) has prepared a model water use restriction ordinance/by-law that a municipality or village district may adopt to restrict water use when there is a water supply shortage (Attached as Appendix A). The Department has also prepared a summary of the steps that a public water utility regulated by the Public Utilities Commission must take to implement a water use restriction for its public water supply system (Attached as Appendix B).

When a municipality or village district implements water use restrictions, customers often do not understand that water use restrictions are necessary to protect, preserve, and maintain the public health. Water suppliers have indicated to the Department that many customers believe that the water use restrictions are not really necessary, or are being put in place only for the benefit of the operators of the system. Although a public water utility does not need the Department's approval to implement water use restrictions, the Department may provide a written endorsement of water use restrictions to the water supplier. To obtain the Department's written endorsement of water use restrictions, the utility should provide the Department with a description of the nature of the water supply shortage. The description should include at least the following information:

1. Maximum day yield in million gallons per day of existing sources based on 24-hour pumping.
2. The estimated average day and peak day water demand.
3. Rationale and analysis that support the projected increase or decrease in supply and demand over the period that the water supply shortage is anticipated to occur, and thus the reasons the water use restrictions will be put in place.
4. The measures the water system has taken or will take to address the supply shortage or to restrict demand.

In order to obtain the Department's endorsement of the implementation of a water use restriction, send the information described above to Robert Mann of the Water Supply Engineering Bureau – PO Box 95, 6 Hazen Drive, Concord, New Hampshire 03302-0095; Fax (603) 271-5171; e-mail [rmann@des.state.nh.us](mailto:rmann@des.state.nh.us); phone 271-2953.

**APPENDIX A**  
**MODEL WATER USE RESTRICTION ORDINANCE FOR WATER SYSTEMS OWNED OR OPERATED BY MUNICIPALITIES OR VILLAGE DISTRICTS**

**1.0 Authority**

The [Name of Municipality or Village District] adopts this [By-law or Ordinance] under its authority to regulate public water systems under RSA 38:26.

**2.0 Purpose**

The purpose of this ordinance is to ensure the use of water is regulated in a manner the [Name of Governing Body of Municipality or Village District] deems to be in the best interest of [Name of Municipality or Village District]. The [Name of Governing Body of the Village District or Municipality] may use reasonable means to protect, preserve and maintain the public health, safety and welfare whenever they have determined there exists a water supply shortage.

**3.0 Definitions**

3.1 "Person" shall mean any individual, corporation, trust, partnership, joint stock company, association, state, municipality, commission, United States government or any agency thereof, political subdivision of the State or any interstate body, or other entity.

3.2 "Water supply shortage" means that situation when insufficient water is available to meet the present or anticipated needs of the municipality/village district. A water supply shortage usually occurs due to drought or a major infrastructure failure.

**4.0 Declaration of a Water Supply Shortage**

Upon declaration of a water supply shortage or other water emergency by the majority of [Name of Governing Body of Municipality or Village District], the [Name Governing Body of Water System] shall be authorized and empowered to impose such restrictions necessary to conserve and maintain adequate reserves of the public water supply, including the following:

*Note: Omit or add restrictions listed below as necessary*

- a. Odd/Even Day Landscape Watering: Water users with odd numbered addresses may water their landscape only on odd numbered days. Landscape watering by water users with even numbered addresses is restricted to even numbered days. (*or specify certain days a week and/or time of day/night – note odd/even watering will reduce peak water use, but it won't likely reduce overall average water use. Limiting water use to one or two days per week (days other than Sundays or Saturdays) may reduce average water use*).
- b. Landscape irrigation shall be prohibited except for irrigation, by low volume devices only, of crops for use as food by residents at a primary residence.
- c. All outdoor water use is prohibited.
- d. The filling of swimming pools is prohibited.
- e. Use of automated landscape sprinkler systems is prohibited.
- f. Washing or cleaning streets, driveways, sidewalks or other impervious areas is prohibited.
- g. Washing of cars and boats at a non-commercial facility shall be restricted to odd/even days as described in paragraph a, above.

## (Appendix A Continued)

- h. Washing of cars or boats at a non-commercial facility shall be prohibited.
- i. The use of water for firefighting, health, sanitation, medical purposes and other essential uses shall not be restricted. However, domestic water use conservation practices should be implemented wherever possible.

### **5.0 Public Notification of a Water Supply Shortage**

Notification of any intent to restrict water use by the [Name of Governing Body of Water System] as part of a water supply shortage shall be posted in conspicuous public locations and published in a newspaper of general circulation within the [Name of Municipality or Village District] or by such other means reasonably calculated to reach and inform all water users.

### **6.0 Termination of a Notice of a Water Supply Shortage**

The governing body of the [Name of Municipality or Village District] upon a determination that the water supply shortage no longer exists may terminate a state of Water Supply Shortage. Public notification of the termination of a state of Water Supply Shortage shall be given in accordance with Section 5.0.

### **7.0 Exceptions to Restrictions**

Notwithstanding the authority granted by Section 4.0 of this Ordinance, any order imposing restrictions in the use of water shall not apply to any person obtaining water from sources other than the public water supply, unless it can be clearly shown that the use of such water directly affects the public water supply. Written notice restricting the use of such water shall be given to the person in control of the same, and may be effective forthwith.

### **8.0 Penalties**

Any person failing to comply with the restrictions imposed pursuant to this Ordinance shall be subject to a fine of [APPROPRIATE AMOUNT PER DAY OF VIOLATION – Could also include language that stipulates increased fines for subsequent violations] and/or be subject to imposition of civil penalties pursuant to RSA 38:26, II not to exceed \$10,000 per day of such violation. Recovered penalties shall inure to the Town for such uses as the [Name of the Governing Body of the Town or Village District] may direct. In addition to the foregoing penalties, the [Name of Governing Body of Water System] is authorized to discontinue the furnishing of water where orders and restrictions have been violated. Such discontinuance shall be made pursuant to RSA 38:31 and Env-Ws 360.06(b)4 and may be continued so long as there is evidence that the violations will continue

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## **STATE LAW that Enables Municipalities to Adopt Water Use Restriction Ordinances or By-Laws**

### **CHAPTER 38 - MUNICIPAL ELECTRIC, GAS, OR WATER SYSTEMS -Additional Provisions for Water Systems**

#### **RSA 38:26 Bylaws and Ordinances**

I. In municipalities with public water systems, the governing body, or the board of water commissioners, if any, may adopt such ordinances and bylaws relating to the system or structures as required for proper maintenance and operation.

II. Any person who violates any ordinance or bylaw adopted pursuant to paragraph I of this section shall be subject to a civil penalty not to exceed \$10,000 per day of such violation.

**APPENDIX B**  
**AUTHORITY FOR WATER UTILITIES REGULATED BY THE PUBLIC UTILITIES**  
**COMMISSION TO RESTRICT WATER USE**

Water utilities regulated by the Public Utilities Commission (PUC) may restrict water use in accordance with Administrative Rule Puc 604.07 – Shortage of Supply which states the following:

(a) The utility shall furnish a continuous and adequate supply of water to its customers and to avoid any shortage or interruption of delivery thereof except when prevented from doing so by emergencies the effect of which prudent planning would not have avoided.

(b) If a utility finds that it is necessary to restrict the use of water it shall give the commission and its customers written notice, except in emergency conditions, no less than 24 hours in advance, before such restriction becomes effective.

(c) Such notifications shall specify:

- (1) The reason for the restriction;
- (2) The nature and extent of the restriction, such as restrictions on outdoor use of water or use by certain classes of customers;
- (3) The date such restriction is to go into effect; and
- (4) The probable date of termination of such restriction.

(d) During times of threatened or actual water shortage each utility shall equitably apportion its available water supply among its customers with due regard to public health and safety.

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Water use restrictions for utilities regulated by the PUC may include the following:

- a. Odd/Even Day Landscape Watering: Water users with odd numbered addresses may water their landscape only on odd numbered days. Landscape watering by water users with even numbered addresses is restricted to even numbered days. (*or specify certain days a week – note odd/even watering will reduce peak water use, but it won't likely reduce overall average water use. Limiting water use to one or two-week days a week may reduce average water use*).
- b. Landscape irrigation shall be prohibited except for irrigation, by low volume devices only, of crops for use as food by residents at a primary residence.
- c. All outdoor water use is prohibited.
- d. The filling of swimming pools is prohibited.
- e. Use of automated landscape sprinkler systems is prohibited.
- f. Washing or cleaning streets, driveways sidewalks or other impervious areas is prohibited.
- g. Washing of cars and boats at a primary or secondary residence shall be restricted to odd/even days as described in paragraph a, above.
- h. Washing of cars or boats at a primary residence shall be prohibited.
- i. The use of water for firefighting, health, sanitation, medical purposes and other essential uses shall not be restricted. However, domestic water use conservation practices should be implemented wherever possible.

Penalties or other enforcement actions must be in accordance with the company's tariff, PUC rules or as otherwise approved by the PUC. For more information, contact Doug Brogan of the PUC at: 8 Old Suncook Road, Concord, NH 03301; Phone: (603) 271-2431; Fax: (603) 271-3878; e-mail: [dbrogan@puc.state.nh.us](mailto:dbrogan@puc.state.nh.us).